

Amendments to the Drawings:

The attached set of replacement drawings (4 pages) includes changes to Figures 1 and 3 to address the Examiner's rejection of the drawings as not showing the separation wall. Those Figures have always shown a separation wall, but for clarity Applicants are amending the drawings and the corresponding portions of the specification to label that structure. No amendments have been made to the other Figures in this application.

REMARKS

Claims 1 through 25 are pending. Claim 26 has been canceled, and claims 11 through 19 have been withdrawn from consideration. Claims 1, 11, and 23 have been amended as shown above. Reconsideration of the application is requested.

I. Objections to the Drawings

The drawings were objected to under 37 CFR § 1.83(a) because they were said not to show the separation wall as described in the specification and claims. Replacement drawings that are in compliance with 37 CFR § 1.121(d) and that provide a reference number associated with two examples of the separation walls are being submitted with this response, and the specification has been amended as shown above to provide add those reference numbers. Reconsideration of the objection is respectfully requested.

II. Rejections Under 35 U.S.C. § 112

Claims 2 through 3, 6 and 23 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner indicated that it is unclear whether the term “radially extending through-hole” means that the through-hole itself is radial, or if the through-hole is radially extending around the application member. Office Action at paragraph 4. Applicants are not sure that they completely understand the Examiner’s two alternatives, but believe it is clear from the drawings and the specification that the through-hole extends in a radial direction – from at or near the center of the applicator member to or toward the outer edge of the applicator member (or vice versa). Regarding “Claim 2 and 3” reciting the limitation “said dental materials,” Applicants understand this to be a reference to claim 23 instead, and have amended that claim to remove the basis for the rejection. With the foregoing, the basis for the rejection is believed to have been addressed and overcome, and reconsideration of the rejections is respectfully requested.

III. Rejections Under 35 U.S.C. §102

Claims 1 through 4, 8, 20 through 21, and 24 through 25 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 3,279,654 (Pierick). Applicants respectfully disagree with the rejection, but in the interests of advancing prosecution have amended claim 1 (and withdrawn claim 11 in a similar manner) to clarify that movement of the activator member towards the dispensing opening causes movement of the applicator member due to hydraulic transmission. This aspect of the invention is disclosed throughout the application as originally filed, but is clearly not disclosed in or suggested by Pierick. If knob 19 of Pierick is said to be equivalent to the claimed activator member, and plunger 18 the equivalent of the applicator, then it is clear that the knob and plunger of Pierick do not move relative to each other, much less move relative to each other due to hydraulic force transmission. Accordingly Pierick does not anticipate claim 1, and that claim as well as the claims that depend from it are all in condition for allowance. Reconsideration of the rejection is respectfully requested.

IV. Rejections Under 35 U.S.C. § 103

Claims 5 through 7, 9, 22, and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Pierick in view of U.S. patent No. 6,544,233 (Fukui et al.). These claims all depend either directly or indirectly from claim 1, which is allowable over Pierick for at least the reasons presented in Section III above. Fukui et al. does not disclose or suggest the structure of claim 1 that is missing from Pierick, and accordingly claim 1 and all the claims that depend from it are also patentable over any proposed combination of Pierick and Fukui et al. Reconsideration of the rejection is respectfully requested.

V. Conclusion

All outstanding matters are believed to have been addressed, and the pending claims are believed to be in condition for allowance. Accordingly a notice of allowance for those claims is respectfully requested, as is rejoinder of the withdrawn claims. If a telephonic conference with

the Applicants' undersigned representative would be useful in resolving any outstanding matters in this application, the Examiner is invited to contact the undersigned at 651-736-4050.

Respectfully submitted,

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Date

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